ORDINANCE NO. 2019-003

ORDINANCE APPROVING A FINAL PLAT OF AQUABELLA NORTH SUBDIVISION; ACCEPTING ALL DEDICATION OF AVENUES, STREETS, ROADS OR OTHER PUBLIC WAYS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING OF TREES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. **PROPERTY BOUNDED ON THE NORTH BY N.W. 170 STREET, ON THE SOUTH BY N.W. 154 STREET, ON THE EAST BY THE I-75 EXTENSION AND ON THE WEST BY N.W 97 AVENUE.**

WHEREAS, the Planning and Zoning Board at its meeting of December 12, 2018, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1:   The final plat of Aquabella North Subdivision submitted by Two Lakes Lennar, LLC, a Delaware limited liability company, registered to do business in Florida, is hereby accepted. Property bounded on the North by N.W. 170 Street, on the South by N.W. 154 Street, on the East by the I-75 extension and on the West by N.W 97 Avenue, Hialeah, Florida, Zoned Residential Development District, classified under the Future Land Use Map as Low/Medium Density Residential. Property legally described in the attached Exhibit "A".

Section 2:   All dedication of avenues or other public ways together with all existing and future planting, trees, shrubbery and fire hydrants thereon are hereby accepted.

Section 3:   Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed $500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.
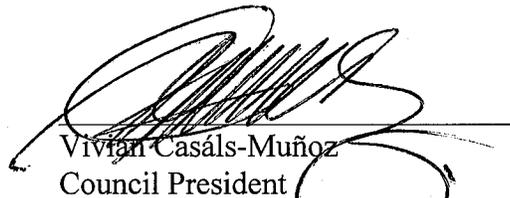
Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or section of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, and signed by the Mayor of the City of Hialeah, Florida.

PASSED and ADOPTED this 22 day of January, 2019.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Vivian Casáls-Muñoz
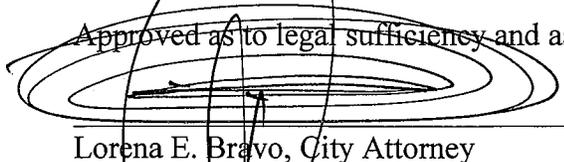Council President

Approved on this 25 day of January, 2019.

Attest:

Marbelys L. Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to legal sufficiency and as to form:

Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Caragol, Zogby, Lozano, Casáls-Munoz, Garcia-Martinez and Cue-Fuente voting "Yes", and with Councilmember Hernandez absent.

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LEGAL DESCRIPTION:

A PORTION OF THE WEST 1/2 OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; THENCE RUN SOUTH 02°39'53" EAST (BEARINGS SHOWN ON THE FLORIDA STATE SYSTEM OF PLANE GRID COORDINATES) ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16 FOR 80.06 FEET TO A POINT OF INTERSECTION WITH A LINE THAT IS 80.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE RUN NORTH 89°28'12" EAST ALONG THE LAST DESCRIBED PARALLEL LINE FOR 868.96 FEET (868.99 FEET BY DEED); THENCE SOUTH 00°31'48" EAST FOR 140.00 FEET; THENCE NORTH 89°28'12" EAST FOR 164.20 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE CONTINUE NORTH 89°28'12" EAST FOR A DISTANCE OF 1142.07 FEET; THENCE SOUTH 02°36'35" EAST FOR 2420.17 FEET (SOUTH 02°38'01" EAST BY DEED) TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE SOUTH 02°38'26" EAST FOR A DISTANCE OF 14.48 FEET; THENCE SOUTH 87°21'47" WEST FOR A DISTANCE OF 114.00 FEET; THENCE NORTH 02°38'13" WEST FOR A DISTANCE OF 14.62 FEET; THENCE SOUTH 89°30'28" WEST FOR A DISTANCE OF 897.31 FEET; THENCE SOUTH 02°02'36" WEST FOR A DISTANCE OF 0.87 FEET; THENCE SOUTH 89°30'28" WEST FOR A DISTANCE OF 327.42 FEET; THENCE NORTH 00°29'32" WEST FOR A DISTANCE OF 85.00 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE SOUTHEAST; THENCE NORTHERLY, NORTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 85°24'44" FOR AN ARC DISTANCE OF 37.27 FEET; THENCE NORTH 00°29'32" WEST, ALONG A LINE RADIAL TO THE NEXT DESCRIBED CURVE FOR A DISTANCE OF 33.08 FEET TO ITS INTERSECTION WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE NORTHEAST; THENCE, WESTERLY, NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 36.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" FOR AN ARC DISTANCE OF 56.55 FEET; THENCE SOUTH 89°29'52" WEST FOR A DISTANCE OF 52.02 FEET TO ITS INTERSECTION WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE NORTHWEST, A RADIAL LINE FROM SAID POINT BEARS SOUTH 89°31'20" WEST; THENCE SOUTHERLY, SOUTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 36.00 FEET, THROUGH A CENTRAL ANGLE OF 89°59'08" FOR AN ARC DISTANCE OF 56.54 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89°30'28" WEST FOR A DISTANCE OF 142.95 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE NORTHEAST; THENCE WESTERLY, NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 36.00 FEET, THROUGH A CENTRAL ANGLE OF 79°15'45" FOR AN ARC DISTANCE OF 49.80 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 52.00 FEET, THROUGH A CENTRAL ANGLE OF 79°56'35" FOR AN ARC DISTANCE OF 72.55 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE NORTHEAST; THENCE WESTERLY, NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 36.00 FEET, THROUGH A CENTRAL ANGLE OF 90°40'20" FOR AN ARC DISTANCE OF 56.97 FEET; THENCE SOUTH 89°30'28" WEST FOR A DISTANCE OF 33.27 FEET; THENCE SOUTH 00°26'48" EAST FOR A DISTANCE OF 64.27 FEET; THENCE SOUTH 62°15'36" WEST FOR A DISTANCE OF 214.41 FEET; THENCE WEST FOR A DISTANCE OF 85.70 FEET; THENCE NORTH 45°00'00" WEST FOR A DISTANCE OF 126.23 FEET; THENCE SOUTH 87°20'07" WEST FOR A DISTANCE OF 20.00 FEET TO ITS INTERSECTION WITH A LINE 50.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SAID NORTHWEST 1/4 OF SECTION 16; THENCE NORTH 02°39'53" WEST ALONG THE LAST DESCRIBED EAST LINE FOR 861.95 FEET; THENCE NORTH 87°20'07" EAST FOR A DISTANCE OF 590.00 FEET; THENCE NORTH 02°39'53" WEST FOR A DISTANCE OF 762.95 FEET TO A POINT OF INTERSECTION WITH A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE NORTHWEST, A RADIAL LINE FROM SAID POINT BEARS NORTH 04°35'30" EAST; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 76.00 FEET, THROUGH A CENTRAL ANGLE OF 149°06'34" FOR ON ARC DISTANCE OF 197.79 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 57°48'59" FOR AN ARC DISTANCE OF 25.23 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 462.00 FEET, THROUGH A CENTRAL ANGLE OF 50°35'29" FOR AN ARC DISTANCE OF 407.94 FEET TO A POINT OF TANGENCY; THENCE NORTH 53°53'24" EAST FOR A DISTANCE OF 162.08 FEET TO THE POINT OF BEGINNING.